



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 12, 1996

Ms. Karen E. Adams  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-0317

Dear Ms. Adams:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38668.

The City of Dallas (the "city") received a request for the arrest and offense reports of two named individuals. You explain that both of these reports relate to an attempted burglary. One of the named individuals has already plead guilty to the charge, and prosecution is pending for the other named individual. You contend that all but certain public information in these reports is excepted from disclosure under section 552.108 of the Government Code.

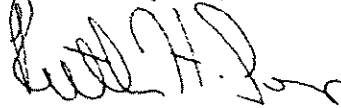
When applying section 552.108, this office distinguishes between cases that are still under active investigation or prosecution and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation or prosecution, section 552.108 excepts from disclosure all information except that generally found on the first page of an offense or arrest report. *See Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist. 1975), writ *ref'd n.r.e. per curiam*, 586 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Section 552.108 is applicable while the case is being investigated and through prosecution. Attorney General Opinion MW-446 (1982) at 2.

We have reviewed the records at issue. We agree that since the arrest and offense reports concerning both named individuals relate to the active investigation and pending prosecution, all of the information, except that generally found on the first pages of the offense and arrest reports, may be withheld under section 552.108. We have enclosed a

summary of the type of information that must be released as public, and note that the location of this information is not determinative. The type of information must be examined rather than whether it is located on the front page of the reports. See Open Records Decision No. 127 (1976) at 5.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 38668

Enclosures: Submitted documents  
ORD 127 Summary

cc: Mr. Don Faulkner  
Cree Equipment, Inc.  
2128 Crown Road  
Dallas, Texas 75229  
(w/o enclosures)